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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES OF AMERICA FOR DNA
SAMPLES FROM MARQUIS VON
CLEMONS

Case No. **19-1522TJS**

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
A SEARCH WARRANT FOR DNA SAMPLES**

I, Calista L. Walker, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION

1. This affidavit is being submitted in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of **MARQUIS VON CLEMONS** (photograph provided in Attachment A) in order to obtain deoxyribonucleic acid ("DNA") for comparison purposes in the form of hair lock samples.

2. I am an investigative or law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is, I am a Special Agent with the FBI empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

3. I have been a Special Agent with the Federal Bureau of Investigation since 2010. I am currently investigating violations of federal law concerning violent crimes and am assigned to the FBI Cross Border Task Force (CBTF) that focuses on federal violent incident crimes on the border of Maryland and Washington, District of Columbia (D.C.). I have gained experience through classes, on the job training, and daily work in regards to conducting these types of investigations. In the course of my employment with the FBI, I have participated in investigations involving violent incident crimes, bank robbery, firearms offenses, fugitives, cold case homicides,

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carjacking, Hobbs Act violations, armored car robbery and strong arm robbery, and armed robbery of citizens and commercial institutions. In the course of conducting these investigations, I have been involved in the use of various investigative techniques, including the following: interviewing victims, subjects, informants, and witnesses; conducting physical and electronic surveillance; and preparing and executing search and arrest warrants.

4. Because this Affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a search and seizure warrant, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. I have not, however, excluded any information known to me that would defeat a determination of probable cause. The information contained in this Affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers and other individuals. All conversations and statements described in this Affidavit are related in substance and in part unless otherwise indicated.

5. I respectfully submit that probable cause exists to believe that **MARQUIS VON CLEMONS** has conducted violations of 18 U.S.C. § 2113 (bank robbery and attempted bank robbery) and, further, that the search of **CLEMONS** and seizure of samples of his DNA will result in evidence thereof.

PROBABLE CAUSE

I. February 13, 2019, Bank Robbery

6. On February 13, 2019, at approximately 9:08 a.m., officers from the Prince George's County (Maryland) Police Department ("PGPD") responded to a reported bank robbery at a SunTrust Bank branch located in Hyattsville, Maryland. Upon arrival, officers made contact

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with Victim 1 (the bank teller) who stated that an unknown masked and gloved man walked into the bank and approached the teller counter. The man passed a note to the teller stating, "I have a gun, do not say anything." Fearing for her safety, Victim 1 complied with the man's demands and gave the man approximately \$5,080 from her teller drawer. The perpetrator took the money, kept the note, and successfully fled the scene on foot. As detailed herein, there is probable cause to believe that the man ("Suspect 1") who perpetrated this offense was, in fact, **CLEMONS**.

7. Suspect 1 was described by Victim 1 as male, approximately 30-39 years of age, approximately 5'5", heavy set, possibly Hispanic, wearing a white sweatshirt, black ski mask, yellow/black gloves, blue jeans, and red/black shoes. Additional witnesses at the bank provided consistent descriptions, but described Suspect 1 as possibly African-American. Bank video surveillance was recovered and showed that, while inside the SunTrust, Suspect 1 wore a large white sweatshirt, blue jeans, a black mask, black and yellow gloves, and distinctive red and black shoes.

8. Law enforcement officers reviewed the video surveillance from the bank and its neighboring businesses. From review of this footage, law enforcement determined that Suspect 1 fled behind the bank, and removed and discarded his sweatshirt while fleeing. Underneath the sweatshirt, Suspect 1 is observed wearing a dark jacket. This initial surveillance footage has an adjusted time stamp of approximately 9:01 a.m.¹ Surveillance footage from a neighboring supermarket located about two blocks from the SunTrust, which has a timestamp of approximately 9:05 a.m., reflects a man of the same general build as Suspect 1 wearing a dark jacket and a black and white winter hat. Suspect 1's face is unmasked in this surveillance video and appears to show

¹ The video itself reflects a timestamp of approximately 8:31 a.m. However, when the video footage was collected the collecting officer noted that the time on the surveillance system was approximately 30 minutes slower than the true time.

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a man with facial hair, as well as the same distinctive red and black shoes that Suspect 1 was seen wearing in the bank surveillance video.

9. Along the path of Suspect 1's apparent escape from the SunTrust branch, law enforcement officers recovered, among other items, a white sweatshirt, a black ski mask, and a pair of yellow/black gloves that matched those worn by Suspect 1 in the bank surveillance video.

II. February 19, 2019, Bank Robbery

10. On February 19, 2019, at approximately 9:33 a.m., PGPD officers responded to a hold up alarm at the same SunTrust Bank branch that had been robbed on February 13, 2019—located in Hyattsville, Maryland. Upon arrival, officers encountered Victim 2 (the bank's security officer), who was detaining a suspect later identified as **CLEMONS**. Law enforcement placed **CLEMONS** into police custody. Victim 2 told the officers that **CLEMONS** entered the bank wearing a ski mask and gloves and carrying a piece of paper. Victim 2 identified himself as a security guard and gave **CLEMONS** multiple commands to remove his mask, but **CLEMONS** did not comply. **CLEMONS** began to reach into his pockets and Victim 2 believed that **CLEMONS** was about to rob the bank. Victim 2 then successfully detained **CLEMONS** until law enforcement arrived. Law enforcement retrieved the piece of paper **CLEMONS** was holding, which read "I have a Gun Give me one hundred Dollar Bill and Fitchers (*sic*).". Pursuant to his arrest, when questioned for his personal identifiers, **CLEMONS** gave a fake name and Social Security number. Law enforcement subsequently used **CLEMONS**' fingerprints to confirm his true identity.

11. Following **CLEMONS**' arrest, law enforcement determined that Victim 1's description of Suspect 1 was consistent with **CLEMONS**. In addition, **CLEMONS** had facial

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hair consistent with that observed in the February 13, 2019, surveillance footage from the supermarket.

12. Maryland Motor Vehicles Administration records reflect that on May 28, 2014, **CLEMONS** used a specific address in Hyattsville, Maryland,² to obtain a non-driving photo identification card (hereinafter "**CLEMONS**' residence"). **CLEMONS** also claimed this same address when arrested previously in connection with other incidents, listed this address upon his release from the Department of Corrections, and it was confirmed as **CLEMONS**' residence during a probation check performed on February 11, 2019.

13. PGPD subsequently obtained a search warrant for **CLEMONS**' residence, which was executed on February 19, 2019, at 8:02 p.m. At this address, in the portion of the house where **CLEMONS** resided, law enforcement found a pair of distinctive red and black shoes that matched those worn by Suspect 1 on February 13, 2019, as visible on the bank's surveillance footage and the surveillance footage of the stores in the strip mall and the neighboring supermarket. Law enforcement also found a black and white winter hat under which was an identification card bearing **CLEMONS**' name. The black and white winter hat matched what Suspect 1 was observed wearing on the surveillance footage of the neighboring supermarket.

14. Law enforcement took this black and white winter hat and the distinctive red and black shoes into custody. These items, along with the white sweatshirt, black ski mask, and pair of yellow/black gloves recovered from the crime scene on February, 13, 2019, were sent to the FBI laboratory in Quantico, Virginia for DNA processing.

15. A DNA search warrant was obtained by PGPD on February 21, 2019, to obtain 2 buccal swabs of saliva from **CLEMONS** for a comparison with the items sent to the laboratory in

² The specific address is omitted to protect **CLEMONS**' privacy.

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Quantico. The samples were taken on February 22, 2019 at approximately 11:13 a.m. and sent to the FBI laboratory for DNA processing.

16. While processing the items sent to the Quantico laboratory, law enforcement was able to acquire trace hair evidence from the clothing recovered from the crime scene on February 13, 2019. In order to analyze this trace hair evidence, hair samples are required from **CLEMONS**.

17. Obtaining such samples will require acquiring combed and pulled head and facial hair samples from all parts of **CLEMONS'** head and face. The samples will then be sent to Quantico for comparison.

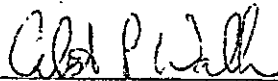
18. **CLEMONS** has been in the custody of Prince George's County Department of Corrections since his arrest on February 19, 2019. **CLEMONS'** Maryland State ID is [REDACTED] and his date of birth is [REDACTED]

CONCLUSION

19. Based on the foregoing, I request that the Court issue a warrant authorizing members of the FBI, or their authorized representatives, including but not limited to other law enforcement agents assisting in the above described investigation, to obtain hair lock samples from **MARQUIS VON CLEMONS**, so that these samples may be compared to evidence collected during the course of this investigation, to include but not limited to, the items discarded by Suspect 1 during the course of the bank robbery on February 13, 2019, as described above.

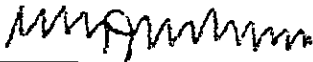
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Respectfully submitted,



Calista L. Walker, Special Agent
Federal Bureau of Investigation

Signed and sworn to before me this 26th day of April 2019.



The Honorable Timothy J. Sullivan
UNITED STATES MAGISTRATE JUDGE